

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Denny Roger Bates, # 261356,)	C/A No. 4:11-3140-GRA-TER
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
SCDC;)	
SCDMH;)	
Dr. Peggy Wadman;)	
Holly Scatura;)	
GEO CRCC, and)	
Mr. Alan Wilson, Attorney General,)	
)	
Defendants.)	

This case was remanded to the United States Magistrate Judge for further handling after Plaintiff provided documents to the District Judge who was reviewing the Report and Recommendation previously issued in this case. (ECF No. 31). Following his consideration of the documents provided by Plaintiff in connection with his objections to the Report and Recommendation, District Judge G. Ross Anderson determined that Plaintiff substantially complied with the second proper-form Order (ECF No. 28) so that dismissal of the case for lack of proper form was not an appropriate result. (ECF No. 44).

The documents that Plaintiff provided to the court have now been reviewed by the magistrate judge, and this order is entered following the required initial review of the newly submitted documents.

MOTION FOR RELEASE:

Plaintiff submitted a Motion in which he asks the court to consider certain documents that are attached to the Motion “for [his] release. (ECF No. 53). The Motion is construed as a request that this court order Plaintiff’s release from confinement based on the attached documents. Release from confinement is not a remedy available in the case filed pursuant to 42 U.S.C. § 1983. *Heck v. Humphrey*, 512 U.S. 477, 481 (1994).

Plaintiff’s Motion for Release is **denied**.

TO THE CLERK OF COURT:

The Clerk of Court is directed to docket the proposed document written on a court-approved complaint form as an Amended Complaint. (ECF No. 43). In order to preserve issues raised in this case and give liberal construction to the pleadings, the Clerk of Court is directed to append the Complaint (ECF No. 1) as an attachment to the Amended Complaint so that both documents comprise the Amended Complaint. The Clerk of Court shall list the parties on the docket as they are listed in the caption of this Order. Based on the Amended Complaint, the Clerk of Court shall add “Dr. Peggy Wadman and Holly Scatura” to the list

of Defendants and shall add “Mr. Alan Wilson” before the title of Attorney General, which is already listed as one Defendant on the docket.

This case is subject to summary dismissal based on an initial screening conducted pursuant to 28 U.S.C. §1915 and/or 28 U.S.C. § 1915A. Therefore, the Clerk of Court shall ***not*** issue any summonses nor shall the Clerk forward this matter to the United States Marshal for service of process at this time.

IT IS SO ORDERED.

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

October 19, 2012
Florence, South Carolina